

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

REDALE BENTON-FLORES, *pro se*,
Plaintiff,
v.
LLOYD J. AUSTIN, III, *SECRETARY,
DEPARTMENT OF DEFENSE*,
Defendant.

HONORABLE KAREN M. WILLIAMS

Civil Action
No. 22-00309 (KMW-SAK)

OPINION AND ORDER

WILLIAMS, District Judge:

THIS MATTER having come before the Court by way of Plaintiff ReDale Benton-Flores' Motion for Reconsideration (ECF No. 18) received on January 30, 2023;

WHEREAS, Plaintiff is pro se and this Court is therefore required to construe her motions liberally. *Higgs v. AG of the United States*, 655 F.3d 333, 339 (3d Cir. 2011);

WHEREAS, Plaintiff's Motion for Reconsideration, when read liberally, is a request to reopen the case that was administratively terminated following this Court's July 22, 2022 Opinion and Order;

WHEREAS, this Court's Opinion (ECF No. 12) dismissed Plaintiff's Complaint for failure to state a claim without prejudice, granting Plaintiff thirty days to file an Amended Complaint;

WHEREAS, on August 22, 2022, thirty days after the Court's Opinion, Plaintiff filed a Notice of Appeal (ECF No. 14);

WHEREAS, on December 12, 2022, the United States Court of Appeals for the Third Circuit issued a Certified Order (ECF No. 16) instructing this Court to review Plaintiff's Notice of Appeal as an Amended Complaint;

WHEREAS, on December 27, 2022, the Court received Plaintiff's letter (ECF No. 17) indicating that her intention was to file an Amended Complaint, and not a Notice of Appeal;

THE COURT FINDING that in the interest of judicial efficiency, the Motion for Reconsideration (ECF No. 18) be construed as a request to re-open the case, and that per the direction of the Third Circuit, the Notice of Appeal filed on August 22, 2022 be reviewed as an Amended Complaint timely filed; and

THE COURT FINDING that as such, the Amended Complaint will be reviewed in due course by this Court to determine if Plaintiff cured the deficiencies outlined in this Court's July 22, 2022 Opinion, which was dismissed without prejudice for failing to state a claim after being screened pursuant to 28 U.S.C. § 1915(e)(2)(B);

IT IS this 2nd day of February, 2023, hereby

ORDERED that Plaintiff's Motion for "Reconsideration" seeking to re-open this matter is **GRANTED**. The Clerk shall re-open this matter; and it is further

ORDERED that the Amended Complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2)(B), and an appropriate order will issue.



KAREN M. WILLIAMS
United States District Judge